

REMARKS

Claims 1-2, 4-7, 20-24, 27, 34-37, 39-44 and 46-49 are pending in the above-identified application with claims 5, 7, 20-24, 27, 35 and 37 withdrawn from consideration, as being drawn to nonelected subject matter.

Claims 3, 8, 25, 26, 28-33 and 38 were previously cancelled and, after entry of the instant amendment, claims 9-19 and 45 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 1-2, 5, 7, 20-24, 27, 35 and 37 have been amended and new claim 49 has been added. Support for the claim amendments and for new claim 49 can be found throughout the Specification as filed. Thus, no new matter has been added by way of amendment to the claims.

Reconsideration of this application, as amended, is respectfully requested.

Priority under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of certified copies of the priority documents.

Information Disclosure Citations

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed on December 16, 2009, and February 24, 2010, and for providing Applicants with initialed copies of the PTO-SB08 forms filed therewith.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa et al., Exp. Hematol. 30(5):488-494; May 2002 (hereinafter "Ishikawa"), in view of mouse strain NOD.Cg-*Prkdc*^{scid}IL2rg^{tm1Wjl}/SzJ (Stock No: 005557, Jackson Laboratory) (hereinafter "mouse strain 005557").

Additionally, claims 1, 2, 6, 36 and 39-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishikawa, in view of mouse strain 005557, as applied to claims 1, 2, 4 and 34 above, and further in view of Olive et al., Immunol., Cell Biology, Vol. 76, pp. 520-525, 1998.

The Examiner indicated at page 10 of the Office Action that claims 46-48 would be allowable if rewritten in independent form including all the limitations of claim 1.

Applicants have amended independent claim 1 to recite that after the mouse has matured for three months it meets the limitations of claim 46, 47 or 48 (which depend from claim 1). Thus, claim 1 (and claims 4, 6, 39, 41, 42 and 46-49, which depend from claim 1 and which have been examined) should be allowable, as amendment of claim 1 in this manner is analogous to rewriting claims 46-48 in independent form, which the Examiner indicated would result in allowable claims.

Applicants have also amended independent claim 2 to recite all the limitations of newly amended claim 1, and as claim 1 should be allowable, claim 2 and claims 34, 36, 40, 43 and 44, which depend from claim 2 should also be allowable.

In view of the amendments and the discussion above, Applicants respectfully request that the rejection of claims 1, 2, 4, 6, 34, 36 and 39-44 under 35 U.S.C. § 103(a) be withdrawn.

Applicants further request that the Examiner consider rejoining withdrawn claims 5, 7, 20-24, 27, 35 and 37, because all of these claims depend (directly or indirectly) from independent claim 1 or independent claim 2 and should be allowable.

Allowable Subject Matter and Objections to Claims 46-48

Applicants thank the Examiner for indicating that claims 46-48 contain allowable subject matter and indicating that claims 46-48 would be allowable if rewritten in independent form. Claims 46-48 were objected to as being dependent on rejected base claim 1.

As independent claim 1 has been amended to recite all of the limitations recited in claims 46-48 (in the alternative), it is believed to be allowable. Applicants respectfully submit that claims 46-48 now depend from an allowable base claim and are in condition for allowance.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, PhD, Registration No. 48,025, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: OCT 15 2010

Respectfully submitted,

By  _____

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